

NORTH YORKSHIRE COUNTY COUNCIL

16 February 2022

REPORT OF EXECUTIVE

1.0 PURPOSE OF THE REPORT

- 1.1 To provide Council Members with details of reports received, decisions by the Executive and decisions by the Chief Executive Officer under emergency delegated powers in consultation with Executive Members and any subsequent recommendations to County Council Members since the last informal meeting of the County Council Members on 17 November 2021.

2.0 DETAILS OF THE MEETINGS

- 2.1 The following sections provide details of decisions made by the Chief Executive Officer under his emergency delegated powers in consultation with the Executive Members and recommendations to the informal meeting of County Council Members by the Informal Executive since the last meeting of the County Council on 17 November 2021. The meetings were held on the following dates: 7 December 2021; 11 January 2022; 25 January 2022 and 15 February 2022. All of the informal meetings were live broadcast and the recordings of the meetings are available via the following link - <https://www.northyorks.gov.uk/live-meetings>

There was an in person meeting of the Executive held on 30 November 2021 which was also live broadcast.

2.2 30 November 2021 Executive Meeting

The Executive Members met on Tuesday 30 November 2021. It was an in person meeting and live broadcast meeting using MS Teams and OBS software. Attending were County Councillor Carl Les in the Chair and County Councillors Gareth Dadd, Derek Bastiman, David Chance, Michael Harrison, Andrew Lee, Don Mackenzie, Patrick Mulligan, Janet Sanderson and Greg White.

Substantive agenda items were:

- Annual Complaints report including LGSCO Complaints
- Review of Personal Safety Measures for Councillors
- Sexual Health Service - Service Model Consultation Feedback and Draft Section 75 Agreement with York and Scarborough Teaching Hospital NHS Foundation Trust
- Appointments to Committees and Outside Bodies

The link to the reports and minutes from this meeting is as follows:

[Agenda for Executive on Tuesday, 30th November, 2021, 11.00 am | North Yorkshire County Council](#)

2.3 7 December 2021 Executive (Performance Monitoring) Informal Meeting

The Executive Members met on Tuesday 7 December 2021. It was an informal live

broadcast meeting using MS Teams and OBS software. Attending were County Councillor Carl Les in the Chair and County Councillors Gareth Dadd, Derek Bastiman, David Chance, Michael Harrison, Andrew Lee, Don Mackenzie, Patrick Mulligan, Janet Sanderson and Greg White.

In attendance were: County Councillors Stanley Lumley, John Ennis, Janet Jefferson, Andy Paraskos, Annabel Wilkinson, Caroline Dickinson and Paul Haslam Caroline Dickinson.

Substantive agenda items were:

- Q2 Performance Monitoring and Budget Report
- Director of Public Health Annual Report
- Outbreak Management Peer Challenge
- Domestic Abuse Safe Accommodation - Draft Strategy

The link to the reports and minutes from this meeting is as follows:

[Agenda for Executive on Tuesday, 7th December, 2021, 11.00 am | North Yorkshire County Council](#)

The Chief Executive Officer considered the reports, additional information provided at the meeting and the views of the Executive Members, and resolved to implement the recommendations of the Executive.

The link to the decision records that were published to record these decisions is as follows - [1 December 2021 - 31 December 2021, Chief Executive Officer | North Yorkshire County Council](#)

2.4 **11 January 2022 Executive Informal Meeting**

The Executive Members met on Tuesday 11 January 2022. It was an informal live broadcast meeting using MS Teams and OBS software. Attending were County Councillor Carl Les in the Chair and County Councillors Gareth Dadd, Derek Bastiman, David Chance, Michael Harrison, Andrew Lee, Don Mackenzie, Patrick Mulligan and Greg White.

In attendance were: County Councillors Paul Haslam, Stanley Lumley and Caroline Dickinson.

Apologies: County Councillor Janet Sanderson.

Substantive agenda items were:

- Approval of a new 20 mph speed limit policy
- Lowering the age range of Goathland Community Primary School to 3-11
- Schools Budget 2022/23
- Special Schools Budgets 2022/23
- School Admission Arrangements 2023/2024
- Healthy Child Programme - Emotional Health and Wellbeing
- Adult Social Care Governance and Prioritisation
- HCV/NYCC Funding for Care Workers
- Area Constituency Committee Feedback Report

The link to the reports and minutes from this meeting is as follows:

[Agenda for Executive on Tuesday, 11th January, 2022, 11.00 am | North Yorkshire County Council](#)

The Chief Executive Officer considered the reports, additional information provided at the meeting and the views of the Executive Members, and resolved to implement the recommendations of the Executive.

The link to the decision records that were published to record these decisions is as follows – [18 December 2021 - 18 January 2022, Chief Executive Officer | North Yorkshire County Council](#)

2.5 25 January 2022 Executive Informal Meeting

The Executive Members met on Tuesday 25 January 2022. It was an informal live broadcast meeting using MS Teams and OBS software. Attending were County Councillor Carl Les in the Chair. Plus County Councillors Gareth Dadd, Derek Bastiman, David Chance, Michael Harrison, Andrew Lee, Don Mackenzie, Patrick Mulligan, Janet Sanderson and Greg White.

In attendance: County Councillors Paul Haslam, Caroline Dickinson, Bryn Griffiths and Peter Sowray.

Substantive agenda items were:

- Draft Revenue Budget 2022/23 and Medium Term Financial Strategy (MTFS) for 2023/24 to 2024/25
- Council Tax 2022/23
- The Capital Five Year Spending Plan
- The updated Annual Treasury Management Strategy for the financial year 2022/23
- The Council Plan 2022/26
- Implementation of the Transforming Cities Fund proposals for Skipton, Harrogate and Selby
- Arrangements for the Appointment of the External Auditor from 2023/24
- Formal Meetings of the Authority's Committees from 16 February 2022 onwards
- Proposed addition of e-Petitions Function to the Council's existing Paper-Based Petitions Scheme
- Proposed Amendments to the Council's Member's Code of Conduct
- Proposed Amendments to the Council's Constitution.

The link to the reports and minutes from this meeting is as follows:

[Agenda for Executive on Tuesday, 25th January, 2022, 11.00 am | North Yorkshire County Council](#)

The Chief Executive Officer considered the reports, additional information provided at the meeting and the views of the Executive Members, and resolved to implement the recommendations of the Executive.

The link to the decision records that were published to record these decisions is as follows – [2 January 2022 - 2 February 2022, Chief Executive Officer | North Yorkshire County Council](#)

2.6 **15 February 2022 Executive Informal Meeting**

At the time of publication of reports for this meeting of the County Council, an informal meeting of the Executive was scheduled for 15 February 2022. This meeting was to review the Minerals and Waste Joint Plan and make recommendations to the meeting of the County Council on 16 February 2022 for consideration.

3.0 **MATTERS FOR APPROVAL/INFORMATION AT COUNTY COUNCIL**

3.1 The Executive and/or the Chief Executive Officer considered the reports, additional information provided at the informal meetings and the views of the Members, and resolved to recommend the following to the in-person meeting of County Council Members for its consideration:

3.2 Revenue Budget for 2022/23, the Medium Term Financial Strategy (MTFS) for 2023/24 to 2024/25 and Council Tax for 2022/23

This item was considered at the informal meeting of Executive Members on 25 January 2022, where Members recommended to the Chief Executive Officer under his emergency delegated powers, that he recommend the following to County Council.

A copy of the report is available here - [Revenue Budget 202223 Medium Term Financial Strategy.pdf \(northyorks.gov.uk\)](#)

Included at item 7a in the Council papers is a full copy of the report. Please note that this report has been updated since the meeting of the informal Executive on 25 January 2022 to reflect the discussion that took place on Council Tax and which is in the recommendation below. See pages 33 to 35 and Appendix D in the agenda pack.

The version of the report that went to the Executive included four options for Council Tax with the corresponding financial impacts. The revised version has the combined council tax increase for 2022/23 of 3.99% and all corresponding financial impacts only.

RECOMMENDATION:

- (a) The Section 25 assurance statement provided by the Corporate Director - Strategic Resources regarding the robustness of the estimates and the adequacy of the reserves (paragraph 9.13) and the risk assessment of the MTFS detailed in Section 10 be noted;
- (b) A combined council tax increase for 2022/23 of 3.99% be agreed;
- (c) In the event that the level of overall external funding (including from the final Local Government Settlement) resulted in a variance of less than £5m in 2022/23, the difference be addressed by a transfer to / from the Strategic Capacity Unallocated Reserve in line with paragraph 4.2.6, with such changes being made to Appendix E as appropriate;
- (d) The Corporate Director – Children and Young People’s Service, in consultation with the Corporate Director - Strategic Resources and the Executive Members for Schools and Finance, be authorised to take the final decision on the allocation of the Schools Budget including High Needs, Early Years and the Central Schools Services Block (paragraph 3.1.19);
- (e) The Medium Term Financial Strategy for 2022/23 to 2024/25, and its caveats, as laid out in Section 3.0 and Appendix G, in line with the proposed council tax option be approved;

- (f) The Corporate Director – Business and Environmental Services, in consultation with the Executive Members for BES, be authorised to carry out all necessary actions, including consultation where he considers it appropriate, to implement the range of savings as set out in Appendix B1 (BES 1 to 3);
- (g) The Corporate Director – Health and Adult Services, in consultation with the Executive Members for HAS, be authorised to carry out all necessary actions, including consultation where he considers it appropriate, to implement the range of savings as set out in Appendix B1 (HAS 1 to 6);
- (h) The Corporate Director – Children and Young People’s Services, in consultation with the Executive Members for CYPS, be authorised to carry out all necessary actions, including consultation where he considers it appropriate, to implement the range of savings as set out in Appendix B1 (CYPS 1 to 4);
- (i) The Chief Executive, in consultation with the Executive Members for Central Services, carry out all necessary actions, including consultation where he considers it appropriate, to implement the range of savings as set out in Appendix B1 (CS 1 to 5);
- (j) Any outcomes requiring changes following Recommendations (f), (g), (h) and (i) above be brought back to the Executive to consider and if necessary, where changes are required to the existing major policy framework, make recommendations to full Council;
- (k) The existing policy target for the minimum level of the General Working Balance be retained and set at £28m in line with paragraphs 4.5.4 to 4.5.5 and Appendix F;
- (l) The attached pay policy statement (Appendix I) covering the period 1 April 2022 to 31 March 2023 as set out in Section 7 be approved;
- (m) The updated LGPS Employers Discretion Policy as described in paragraphs 7.6 to 7.8 and as set out in Appendix J be approved;
- (n) The delegation arrangements referred to in Section 12 that authorise the Corporate Directors to implement the Budget proposals contained in the report for their respective service areas and for the Chief Executive in those areas where there are cross-Council proposals, be agreed;
- (o) Regard be given to the Public Sector Equality Duty (identified in Section 8 and Appendix K) in approving the Budget proposals contained in the revenue budget section of the report.

3.3 Capital Five Year Spending Plan

This item was considered at the informal meeting of Executive Members on 25 January 2022, where Members recommended to the Chief Executive Officer under his emergency delegated powers, that he recommend the following to County Council.

RECOMMENDATION:

- (a) The refreshed Capital Plan summarised at paragraph 3.4 be approved;
- (b) The proposal to carry forward £500k of the Property Rationalisation underspend at 31 March 2022 for a further two financial years (2022/23 to 2023/24) as set out at paragraph 3.18, be approved;
- (c) Authority be delegated to the Corporate Director - Business and Environmental Services in consultation with the Corporate Director - Strategic Resources; the Executive Member for Open to Business; and the Executive Member for Finance to allocate the £3.5m of funding should it be required as a local contribution

towards schemes for submission into the Levelling Up Fund as set out in the Table in paragraph 5.2;

- (d) No action be taken at this stage to allocate any additional capital resources (paragraph 6.7).

3.4 The updated Annual Treasury Management Strategy for the financial year 2022/23

This item was considered at the informal meeting of Executive Members on 25 January 2022, where Members recommended to the Chief Executive Officer under his emergency delegated powers, that he recommend the following to County Council.

RECOMMENDATION:

- a) The Treasury Management Strategy at Annex 1 be approved, including:
- b) The Capital Prudential Indicators (Appendix A), Borrowing Strategy and Treasury Prudential Indicators (Appendix B) and Annual Investment Strategy 2022/23 (Appendix C) and in particular;
- i. an authorised limit for external debt of £566.3m in 2022/23;
 - ii. an operational boundary for external debt of £546.3m in 2022/23;
 - iii. the Prudential and Treasury Indicators based on the County Council's current and indicative spending plans for 2022/23 to 2024/25 (noting the indicators for 2023/24 and 2024/25 will be subject to revision as part of the implementation of the new unitary council):
 - iv. a limit of £40m of the total cash sums available for investment (both in house and externally managed) to be invested in Non-Specified Investments over 365 days;
 - v. a 10% cap on capital financing costs as a proportion of the annual Net Revenue Budget;
 - vi. a Minimum Revenue Provision (MRP) policy for debt repayment to be charged to Revenue in 2022/23;
 - vii. the Corporate Director – Strategic Resources to report to the County Council if and when necessary during the year on any changes to this Strategy arising from the use of operational leasing, PFI or other innovative methods of funding not previously approved by the County Council;
- c) The Capital Strategy as attached at Appendix D;
- d) The Treasury Management Policy Statement as attached as Schedule 1; and
- e) That the Audit Committee be invited to review Annex 1 including Appendices A to D and Schedules 1 to 6 and submit any proposals to the Executive for consideration at the earliest opportunity.

3.5 Council Plan 2022-2023

This item was considered at the informal meeting of Executive Members on 25 January 2022, where Members recommended to the Chief Executive Officer under his emergency delegated powers, that he approve the draft Council Plan and forward it to the Council meeting on 16 February 2022 and seek authorisation to enable the Chief Executive Officer to make any necessary changes to the text, including reflecting decisions made by the Council meeting on 16 February 2022 on the budget and Medium Term Financial Strategy, and updated performance data.

Included at item 7b in the Council papers is a full copy of the report.

RECOMMENDATION:

- (a) That the draft Council Plan be approved.
- (b) That authorisation is given to the Chief Executive Officer to make any necessary changes to the text, including reflecting decisions made at the Council meeting on 16 February 2022 on the budget and Medium Term Financial Strategy, and updated performance data.

3.6 School Admission Arrangements 2023/2024

This item was considered at the informal meeting of Executive Members on 11 January 2022, where Members recommended to the Chief Executive Officer under his emergency delegated powers, that he recommend that Council approves the Admission Arrangements for 2023/2024.

The link to the report is as follows: [Admissions Report](#)

[Appendix 1 - Proposed NYCC Co-ordinated Admission Arrangements.pdf](#)

[Appendix 2 - Admissions Policy for Community and Voluntary Controlled Schools](#)

[Appendix 3 - Admissions Policy for Community and Voluntary Controlled Nursery Schools](#)

[Appendix 4 - Proposed Primary Admission Numbers 2023-2024.pdf](#)

[Appendix 5 - Proposed Secondary Admission Numbers 2023-2024.pdf](#)

RECOMMENDATION:

- That the School Admission Arrangements for 2023/2024 be approved and includes:
- the proposed co-ordinated admission arrangements in Appendix 1;
 - the proposed admission policy for community and voluntary controlled schools in Appendix 2;
 - the proposed admission policy for nursery schools, schools with nursery classes and pre-reception classes, in Appendix 3; and
 - the proposed published admission numbers (PAN's) for community and voluntary controlled schools as shown in Appendices 4 (Primary) and 5 (Secondary);

3.7 Arrangements for Appointment of the External Auditor from 2023/24

This item was considered at the informal meeting of Executive Members on 25 January 2022, where Members recommended to the Chief Executive Officer under his emergency delegated powers, that he recommend to Council acceptance of the Public Sector Audit Appointments' invitation to opt into the sector-led option for appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023.

The link to the report is as follows: [External Auditor Appointment Report.pdf](#)

RECOMMENDATION:

That it is recommended that the Public Sector Audit Appointments' invitation to opt into the sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023, be accepted.

3.8 Proposed Addition of e-Petitions Function to the Council's existing paper-based Petitions Scheme

This item was considered at the informal meeting of Executive Members on 25 January 2022, where Members recommended to the Chief Executive Officer under his emergency delegated powers, that he recommend to Council on 16 February 2022 that the e-petitions function in the Modern Gov committee management system be enabled and run alongside the existing paper-based scheme.

The link to the report is as follows: [E-petitions Report.pdf](#)

RECOMMENDATION:

That it is recommended that the e-petitions function in the Modern Gov committee management system be enabled and run alongside the existing paper-based scheme.

3.9 Proposed Amendments to the Council's Constitution

This item was considered at the informal meeting of Executive Members on 25 January 2022, where Members recommended to the Chief Executive Officer under his emergency delegated powers, that he recommend to full Council proposed amendments to the Council's Constitution:

The link to the report is as follows: [Proposed Changes to the Constitution](#)

[Appendix 1 - Proposed Amendments to Constitution - 2021](#)

[Appendix 2 - Extracts from AIPR.pdf](#)

RECOMMENDATION:

(i) the Assistant Chief Executive (Legal and Democratic Services) should use his delegated powers to update the Constitution at the relevant time following the elections in 2022 to reflect the changes in the County Council's membership and

- ward areas is approved;
- (ii) the Assistant Chief Executive (Legal and Democratic Services) should use his delegated powers to update the Constitution at the relevant times to reflect the transitional arrangements which apply in each of the local government reorganisation transitional periods is approved;
 - (iii) the proposed changes to the Constitution set out in Appendices 1 and 2 be recommended to full Council for approval is approved;
 - (iv) the approach to recording officer decisions be reviewed as set out in the body of this report and Appendix 2 and no changes are recommended to be made is approved; and
 - (v) the Leader formally appoints the Executive Members as the ten County Council Members to the Implementation Executive once it is created under the Structural Change Order.

3.10 Proposed Amendments to the Council's Members' Code of Conduct

This item was considered at the informal meeting of Executive Members on 25 January 2022, where Members recommended to the Chief Executive Officer under his emergency delegated powers, that he recommend to full Council for approval proposed amendments to the Council's Members' Code of Conduct.

The link to the report that went to the Executive is available is as follows: [Proposed Amendments to the Council's Members' Code of Conduct](#)

[Appendix 1 - Local Government Association Model Councillor Code of Conduct 2020](#)
[Appendix 2 - \(Draft\) Code of Conduct for Members of North Yorkshire County Council](#)
[Appendix 3 - Further Draft Amendments following Standards Committee on 17.09.2021](#)
[Appendix 4 - Summary Chart re Interests.pdf](#)

The version of the report that is included in the agenda pack has been updated to take into account amendments following the meeting of the Executive. These amendments relate to the expansion of the dispensation regime to cover all interests precluding a member's participation in Council business, not just disclosable pecuniary interests. Please see paragraphs 2.6 and 4.5 of the report.

RECOMMENDATION:

- That Council approve:
- (a) the proposed amendments to the Council's current Members' Code of Conduct as set out in Appendix 3 to the report; take effect from 5 May 2022;
 - (b) that the Monitoring Officer be authorised to make consequential amendments to the registration of Members' Interests form proforma, any other relevant standards documentation and the Constitution to reflect the changes made to the Council's Code; and
 - (c) that tailored guidance, specific to the Council's Members' Code of Conduct, be circulated to the newly elected Members in May.

3.11 Appointments to Committees and Outside Bodies

This item was considered at Executive on 30 November 2021. Link to the report: [Appointments to Committees and Outside Bodies](#)

RECOMMENDATION:

That it be noted that County Councillor Derek Bastiman replace County Councillor Andrew Lee on the following Outside Bodies:

- York and North Yorkshire LEP Infrastructure Board.
- Welcome to Yorkshire – as the substitute member.
- Yorventure Management Group – as the substitute member.

3.12 Formal Meetings of the Authority's Committees from 16 February 2022 onwards

This item was considered at the informal meeting of Executive Members on 25 January 2022 and is a separate item on Council agenda (item 8).

3.13 Minerals and Waste Joint Plan

At the time of publication of reports for this meeting of the County Council, an informal meeting of the Executive was scheduled for 15 February 2022 and is a separate item on the Council agenda (item 9).

County Councillor Carl Les
Leader

North Yorkshire County Council
County Hall
Northallerton

8 February 2022